

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

SUITS -LA- SRSP- Karimnagar District – O.P.No.693/84 – Thimmapur (Mandal) – Nusthulapur (Village) - Sanction of decretal charges of **Rs.49,23,584/-** - Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A1) DEPARTMENT

G.O.RT.NO. 846

DATE:31.10.2009

Read:

From the Spl.CS to Govt & CCLA, AP, Hyd.Lr.No.SRP2/939/09, dt:16.10.09 along with the proposal of the Spl.Collector, LA,SRSP, SSP, & JCRGLIP, Hyderabad.

O R D E R:

The Secretary to the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has submitted the proposals for sanction of decretal charges in respect of O.P.NO.693/84 of Nusthulapur (Village) of Thimmapur (M) of Karimnagar District. The then LAO, LA Unit, Karimnagar has acquired the lands to an extent of 290.13 gts + structures for submergence under LMD Reservoir in the limits of Nusthullapur (V) Thimmapur (M) of Karimnagar vide Award No.6/83-84, dt:13.03.1989. Thereafter in a reference made U/s.18 of L.A.Act, the Court of Sub-ordinate Judge, Karimnagar vide judgment and decree dt:24.02.1989 in O.P.No.693/84 by enhancing the compensation. As the enhancement was more than 50%, the SDC has filed an appeal. The Hon'ble High Court in A.S.No.2159/89 in CMP No.15311/89 has ordered that Sl.No.1 to 127 an amount of Rs.43,50,323/- was deposited and (66) claimants filed an appeal against the state and finally, the Hon'ble High Courting A.S.No.981/94 while allowing the appeal and part and by informing the decision of the High Court dt:13.10.98 in A.S.No.981/94 while allowing the appeal and part by informing the decision of the High Court dt:13.10.98 in A.S.No.981/04. Accordingly an amount of Rs.74,98,762/- was deposited in the lower court. The G.P for Appeals has opined that it is not a fit case for appeal to Supreme Court of India. Aggrieved with the orders of passed by the High Court, an appeal was preferred by the State by way of SLP before the Hon'ble Supreme Court of India, which was dismissed on the ground of delay in SLP CC No.476/2001, dt:02.02.2001. In this case, the claimants preferred an E.P.No.68/2008 against O.P.No.693/84 for sanction of decretal charges.

2) After careful examination of the matter, Government hereby accorded sanction for an amount of **Rs.49,23,584/- (Rupees Forty nine lakhs twenty three thousand five hundred and eighty four only)** in respect of O.P.No.693/84 pertaining to Nusthulapur (V) Thimmapur (M) of Karimnagar District subject to verification whether the reference under section 18(1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Section 18 reference was made contrary to the rules/guidelines issued by the Government/ Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

(PTO)

3) The Special Collector, LA, SSP & JCRGLIP, Hyderabad is directed to follow directions issued by the Hon'ble High Court on 30.04.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.693/84 for avoiding intervention of the middleman.

4) The expenditure sanctioned in para (2) above, shall be debitible to the following Head of Account under "2701 – Capital Out Lay – M&MI-01 – Major Irrigation – 116. SRSP Stage-I, Scheme included in Plan, G.H (11) Normal State Plan – S.H (26) Dams and Appurtenant works – 530 - Major works – 532 – Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O.No.4096/F4(1)/2009-1, dated:23.10.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To
The Secretary to CCLA, A.P., Hyderabad.

The Special Collector, LA, SSP, JCRGLIP, Tarnaka, Hyderabad.
The Special Deputy Collector, LA Unit-I, LMD Colony, Karimnagar.
The Administrative-cum-Chief Engineer, SRSP, M.J.Road, Hyderabad.

The Director of Works Accounts, SRSP, Hyderabad.

Copy to: P.S. to Minister (M& MI).

Finance (W&P) Department/File C.No.27080/LA.III(A1)/2009.

SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER